

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

Sharonda Thomas,

Plaintiff,

v.

GE Capital Retail Bank,

Defendant.

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: Civil Action No.: _____
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COMPLAINT

For this Complaint, the Plaintiff, Sharonda Thomas, by undersigned counsel, states as follows:

JURISDICTION

1. This action arises out of Defendant's repeated violations of the of the Telephone Consumer Protection Act, 47 U.S.C. § 227, *et. seq.* (the "TCPA").

2. Supplemental jurisdiction exists pursuant to 28 U.S.C. § 1367.

3. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b), in that the Defendant transacts business in this District and a substantial portion of the acts giving rise to this action occurred in this District.

PARTIES

4. The Plaintiff, Sharonda Thomas ("Plaintiff"), is an adult individual residing in Perkiomenville, Pennsylvania, and is a "person" as defined by 47 U.S.C. § 153(10).

5. The Defendant, GE Capital Retail Bank ("GE"), is an Ohio business entity with an address of 950 Forrer Boulevard, Kettering, Ohio 45420, and is a "person" as defined by 47 U.S.C. § 153(10).

FACTS

6. GE contacted Plaintiff by placing calls to Plaintiff's cellular telephone.

7. At all times mentioned herein, GE contacted Plaintiff on her cellular telephone using an automated telephone dialing system ("ATDS") and/or by using artificial or pre-recorded messages.

8. GE placed as many as fifteen calls a day to Plaintiff and at such a rate that Plaintiff would often receive a call every minute for a period of time.

9. When Plaintiff answered GE's ATDS calls, she heard a pre-recorded message directing her to stay on line to speak with a live representative.

10. Sometimes, Plaintiff answered GE's ATDS calls only to hear dead air whereupon the call terminated on Plaintiff.

11. When Plaintiff spoke with a live representative, she was informed GE was calling regarding her store credit card accounts with the following: Banana Republic, American Eagle, Lowe's, Target and Old Navy.

12. Plaintiff never provided her cellular telephone to any of the above-mentioned retail stores as a means to contact her.

13. During a conversation with a live representative in or around January 2013, Plaintiff requested GE cease all calls to her cellular phone.

14. GE, however, continued to place its ATDS telephone calls to Plaintiff's cellular telephone, causing Plaintiff a great deal of anger and frustration.

COUNT I

VIOLATIONS OF THE TELEPHONE CONSUMER PROTECTION ACT –
47 U.S.C. § 227, ET SEQ.

15. The Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

16. Without prior consent the Defendant contacted the Plaintiff by means of automatic telephone calls or prerecorded messages at a cellular telephone or pager in violation of 47 U.S.C. § 227(b)(1)(A)(iii).

17. The foregoing acts and omissions of the Defendant constitute numerous and multiple violations of the Telephone Consumer Protection Act, including every one of the above-cited provisions.

18. The Plaintiff is entitled to damages as a result of the Defendant's violations.

PRAYER FOR RELIEF

WHEREFORE, the Plaintiff prays that judgment be entered against the Defendant:

1. Statutory damages of \$500.00 for each violation pursuant to 47 U.S.C. § 227(b)(3)(B);
2. Treble damages for each violation determined to be willful or intentional pursuant to 47 U.S.C. § 227(b)(3)(C);
3. Such other and further relief as may be just and proper.

TRIAL BY JURY DEMANDED ON ALL COUNTS

Dated: June 7, 2013

Respectfully submitted,

By /s/ JBB8445

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